



California Regional Water Quality Control Board

San Diego Region



Linda S. Adams
Secretary for
Environmental Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

Arnold Schwarzenegger
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353
(858) 467-2952 • Fax (858) 571-6972
<http://www.waterboards.ca.gov/sandiego>

April 2, 2008

CERTIFIED MAIL- RETURN RECEIPT
7006 2760 0000 1615 6953

Hodge Family Trust
617 Nardito Lane
Solana Beach, CA 92075

**SUBJECT: INVESTIGATIVE ORDER NO. R9-2008-0045, ASSESSOR'S PARCEL
NUMBER 441-560-24-00, 2750 KURTZ STREET, SAN DIEGO,
CALIFORNIA 92110**

Dear Hodge Family:

The San Diego Regional Water Quality Control Board (Regional Board), Site Mitigation and Cleanup Unit (SMCU) received information from the County of San Diego Department of Environmental Health regarding a hazardous substance release. The SMCU staff enforces the policies and procedures for the investigation of discharges of waste under Section 13267 of the Porter-Cologne Water Quality Control Act (California Water Code). As part of this process we reviewed environmental assessment reports for the property at 2771 Kurtz Street. The results of the assessment indicate that free product petroleum contamination was detected in ground water adjacent to the property at 2750 Kurtz Street. The property at 2771 Kurtz Street did not contain underground storage tanks (USTs) nor operate a facility with petroleum waste. The apparent source of the unauthorized release is one or more of the USTs that were removed from the property at 2750 Kurtz Street. **The Regional Board finds the current water quality conditions at the site are not protective of human and environmental health, and may be causing or contributing to a condition of pollution.**

Therefore, the SMCU requires additional information in order to address the current status of ground water contamination. In accordance with California Water Code (CWC) Division 7, Section 13267, the Regional Board may require an investigation into the quality of waters of the state. Pursuant to CWC Section 13268, a violation of CWC Section 13267 requirements may subject you to civil liability of up to \$1,000 per day for each day in which the violation occurs.

The following information is required by **May 16, 2008** as part of a work plan to monitor and sample ground water for contamination in existing down-gradient wells:

1. A complete site lease and use history for property at assessor's parcel number (APN) 441-560-24-00;
2. A list or description of all facility operations and map of actual operating locations associated with petroleum products at the site; and
3. A description of all previous environmental assessments associated with the site.

California Environmental Protection Agency

A report on the results of ground water monitoring is required by **August 15, 2008**. The Regional Board will review the work plan within 30 days; if no comments are provided the responsible party must implement the work plan in order to provide the report by August 15, 2008. All actions must adhere to the provisions of the *Water Quality Control Plan for the San Diego Basin* (Basin Plan) in Attachment I. The Regional Board requires the information to determine the magnitude and extent of ground water contamination as well as identify all responsible parties. You are required to submit this information because the above referenced environmental assessment reports and county correspondence indicate you are responsible for the discharge. Refer to State Water Resources Control Board Resolution 92-49: Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304 (<http://www.swrcb.ca.gov/resdec/resltn/other/rs92-49.html>) for guidelines.

Any person affected by this action of the Regional Board may also request an evidentiary hearing before the Regional Board. To schedule a hearing at a Regional Board meeting, you must submit a written request to this office within 30 days of the issuance of this Order. Be aware that a request for a hearing does not stay any of the deadlines in the Order.

If you have any questions, please contact **Robert Pierce at (858) 627-3935 or RPierce@waterboards.ca.gov.**

Sincerely,

Michael P. McCann
Assistant Executive Officer

MPM:jpa:rep

cc:
Nancy M. Roecker
7482 Salizar Street
San Diego, CA 92111

James Clay
Department of Environmental Health, Land and Water Quality Division
P.O. Box 129261
San Diego, CA 92112-9261